

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VIRGIN SCENT, INC., <i>doing business as</i>	:	
ARTNATURALS,	:	
	:	
Plaintiff,	:	
-against-	:	23-CV-2440 (VEC)
	:	
	:	<u>ORDER</u>
SANDLER AND TRAVIS, P.A., P.C. AND DOES:	:	
1-10,	:	
	:	
Defendants.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 3, 2023, Defendant Sandler, Travis, & Rosenberg, P.A. (“ST&R”) filed a letter motion seeking leave to move for summary judgment and sanctions under Federal Rule of Civil Procedure 11 against Plaintiff Virgin Scent, Inc. (“Virgin Scent”), *see* Letter, Dkt. 29; *see also* Letter, Dkt. 33;

WHEREAS on October 25, 2023, in response to ST&R’s letter, Virgin Scent’s counsel moved to withdraw, citing “significant differences” between counsel and client that caused “an irrevocable breach,” *see* Motion, Dkts. 35-37;

WHEREAS on November 21, 2023, Virgin Scent moved for voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), *see* Motion, Dkts. 42-44;

WHEREAS ST&R opposed the motion for voluntary dismissal without prejudice and instead requested that either (a) the claims be dismissed with prejudice, or (b) the matter continue so that ST&R could move for summary judgment and Rule 11 sanctions, *see* Opp., Dkt. 46;

WHEREAS Virgin Scent replied in support of its motion for voluntary dismissal, *see* Reply, Dkts. 47-49; and

WHEREAS on December 8, 2023, the parties appeared for a status conference;

IT IS HEREBY ORDERED that Virgin Scent's motion for voluntary dismissal without prejudice is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Virgin Scent's counsel's motion to withdraw is GRANTED. Such withdrawal, however, does not relieve counsel David Michael Angeloff, Dylan Ruga, or the Stalwart Law Group from responding to any forthcoming Rule 11 motion against the attorneys or the firm. As such, the Court retains jurisdiction over counsel for the limited purpose of resolving any Rule 11 sanction motion.

IT IS FURTHER ORDERED that the case is STAYED for thirty days to give Virgin Scent time to retain new counsel and to decide whether it wants to respond to motions for Rule 11 sanctions and summary judgment or voluntarily dismiss the case with prejudice.

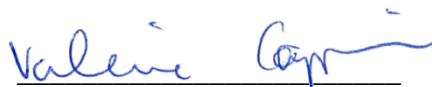
IT IS FURTHER ORDERED that ST&R's motion for leave to move for Rule 11 sanctions is GRANTED. ST&R's motion for Rule 11 sanction is due no later than **Friday, January 12, 2024**. Virgin Scent and Stalwart Law Group must file their responses by no later than **Friday, February 9, 2024**. ST&R's reply is due no later than **Friday, February 16, 2024**.

IT IS FURTHER ORDERED that Stalwart Law Group must provide a copy of this order to Virgin Scent by no later than **Monday, December 11, 2023**.

The Clerk of Court is respectfully directed to terminate David Michael Angeloff and Dylan Ruga as counsel for Virgin Scent, Inc. but to leave their ECF notifications active in this matter so that they may respond to ST&R's motion for Rule 11 sanctions. The Clerk of Court is also respectfully directed to terminate the open motions at Dockets 33, 35-37, and 42.

**SO ORDERED.**

**Date: December 8, 2023**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**